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SECRETARY OF THE STATE  
CONNECTICUT

**Government Administration and Elections  
Committee Public Hearing  
March 11, 2013  
Testimony**

Good Morning once again to the GAE Committee – Chairman Musto, Chairman Jutila, and members. For the record, my name is Denise Merrill and I am Secretary of the State of Connecticut.

There are many bills on your agenda today, and many bills that affect the conduct and administration of elections in our state. In the interest of time, I would like to go through the bills that are most relevant to the Secretary of the State's office. And I will be happy to take questions afterwards.

**Senate Bill 775 "AN ACT ENCOURAGING THE USE OF TECHNOLOGY-BASED TOOLS BY POLL WORKERS"** In general I always support the idea of using technology to improve our election processes, and I commend Sen. Ayala for introducing this forwarding-looking bill. This bill would encourage our poll workers to use some of the tools we have developed over the last few years to give voters information such as – am I registered to vote? Or, where is my polling place?

At the Secretary of the State's office in the last couple years, we have developed some applications that would give voters answers to those questions. And voters can get answers to those questions on our website, either by using a desktop or a laptop computer, or by using a mobile device. For instance, we worked with Google and the Pew Center on the states to develop an app where you could enter your name and address and it would not only tell you where your polling place is, but also give you directions how to get there using Google maps. Pretty cool, huh?

This bill would encourage the use of these tools in the polling place. I think this would also encourage voter education and cut down on confusion where voters are not sure they are in the right place to cast a ballot, etc. So I support this concept.

**Senate Bill 777 “AN ACT CONCERNING MORE RAPID IDENTIFICATION OF VOTERS BY POLL WORKERS”** This bill would permit the use of technology at the polling precinct that would scan the bar code of the voter’s driver’s license as they check in to vote – thereby confirming the individual’s identity. In general I support this idea because I think this kind of technology can contribute to more accurate record keeping of who is voting, and it may result in more accurate voter lists.

Like any new voting technology, this will require a significant investment of resources. Ideally, this is an expense that should be paid for by the state in the interest of equity among towns. The last time we made an infrastructure investment in elections, we did so with the assistance of the federal government and money allocated by the Help America Vote Act. Now, those resources are gone. Therefore, I support this bill.

**HB 6428 “AN ACT ENABLING TOWNS TO CHECK VOTERS IN ELECTRONICALLY”** This bill allows for towns to use electronic poll books to check in voters. This is a bill I support because I think it could lead to more accurate voter record keeping, and it will cut down on the processing time when our citizens show up to cast a ballot. This is smart and relatively simple technology that should ease the process for administering an election and the voters will see more convenience. I strongly support passage.

**SB 774 “AN ACT CONCERNING THE DISSEMINATION OF INFORMATION CONCERNING VOTING RIGHTS TO PERSONS BEING RELEASED FROM DEPARTMENT OF CORRECTIONS FACILITIES”** This bill would provide those incarcerated in our state prison system with information pertaining to how to restore their elector status and register to vote once they finish their sentence for a felony conviction.

Some background on this: When a person is convicted of a felony and is remanded to the custody of the state, they lose their elector status and therefore lose their right to vote. Elector status can be restored however, once the sentence for the crime is complete. That doesn’t mean just your time behind bars is up. That also means you need to finish your parole and pay whatever fines you owe. Once all of this is done, a convicted felon may then restore their elector status and re-register to vote.

The problem is, there is some confusion about restoring voting rights by those affected by the law. There are many eligible voters who are convicted felons and think they will never be able to restore their right to vote. And that is really unfortunate. There are also other convicted felons who think they are eligible to restore their voting rights when they are not indeed eligible.

Anyone who served time and has completed their sentence should be able to get information on how to restore their elector status and register to vote again. I think correction and rehabilitation includes getting civically re-engaged with the community and participating in elections. I think this bill would contribute to better voter education by making sure those incarcerated know what they need to do to restore their voting rights, and I urge passage. I also note that this is something our Department of

Corrections did regularly until five years ago, so I imagine it is something the department could do again.

**SB 779 "AN ACT CONCERNING THE OVERVOTING OF CROSS-ENDORSED CANDIDATES."** This bill would require that our optical scan voting machines be programmed to discard votes for the same candidate on two separate ballot lines as an overvote and reject the ballot.

I oppose this bill for a number of reasons. First of all, a vote for a candidate on multiple ballot lines is NOT an overvote. An overvote is where you vote for more than one candidate for a single office. In the case of an overvote, the machine would reject that ballot because the intent of the voter would not be clear if they voted for opposing candidates in a race for the same seat. But if you vote for one candidate on multiple lines, I would argue that the intent of the voter IS clear on the ballot, and the machines can and do still count that vote. A little background on this:

Connecticut currently allows candidates on the ballot to be cross endorsed by multiple parties – many of you were endorsed by the Democratic party AND the Working Families Party, or the Republican party AND the Independent Party. If a voter chose to vote for you on both party lines or on three party lines – our election machines have are programmed to only accept one vote for that candidate. In 2011, the legislature changed that so that in those cases where a voter fills in the circles for a candidate on two ballot lines, the votes would be allotted in a ratio tied to the percentage of voters registered with the major party vs. those registered with the minor party in the municipality. So in sum, we already have a system to allocate those votes for a candidate on more than one ballot line, so this bill is not needed.

In addition, we have developed new online election night reporting software that differentiates these vote counts according to the ratio set by state statute. The more we can move the Registrars of Voters to use our new online election night reporting system, the less confusion will be experienced by moderators at the polls due to cross-endorsements and how to count those votes. And like I said, votes for one candidate on multiple ballot lines are already counted and allocated, and the intent of the voter is clear when they vote for the same candidate on multiple ballot lines. So for those reasons I oppose this bill.

**SB 901 "AN ACT CONCERNING POST-ELECTION AUDITS"** This bill would reduce the sample size of polling places chosen for our post-election audits to five percent of the polling precincts in the state instead of the current 10%. It would also cap the maximum number of polling places to be selected for the audit from any one town to just three precincts.

I oppose this bill for a couple of reasons. We know that post-election audits are a financial burden on the towns, and some towns feel like they get disproportionately picked on, having too many precincts chosen. And we are taking steps to address those municipal concerns, which I will address in a minute.

But at the same time, Connecticut is a national leader in this area, and I would not want to take any action that would undermine the integrity of our post-election audits. We have the toughest post-election audit laws in the country. We require a full 10% of all voting precincts have their machine results from Election Day cross-checked by hand, to ensure the accuracy of our optical scan voting machines. If we have 750 polling places used on Election Day in Connecticut, we test at least 75 of them.

We have those results tested by technology experts at the University of Connecticut. This is one of the top voting technology centers in the country, and its research is followed by the top experts in the field nationwide. Their analysis has consistently shown that we have an amazingly reliable and accurate voting system and voters can count on its integrity. In addition, the polling precincts are selected AT RANDOM. So there is no bias in how towns or polling places are selected.

We are also one of four states to receive a federal grant to automate the post-election audit process so it will take less time and cost municipalities considerably less money. We are working on cutting edge technology and software to make this a reality for our cities and towns, so the post-election process will not be such a burden on them. Having anything other than a total random selection of precincts for the post-election audits, and reducing the sample size of the pool of precincts chosen to be audited would – in my opinion – water down the efficacy of this important check and balance of our optical scan voting technology. It could undermine the integrity of our voting system.

Before we take those steps, I would prefer to see how we could use technology to make this process easier for towns. I would prefer to make the process cheaper and less time consuming, but not to water down the quality of how we test the accuracy of our voting machines. For those reasons I oppose this bill.

**Finally, SB 1057 “AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE STATE LIBRARIAN CONCERNING E-GOVERNMENT AND THE PRESERVATION, AUTHENTICATION AND MANAGEMENT OF ELECTRONIC RECORDS.”**

This is a concept I wholeheartedly support, moving our thousands of pages of records to an electronic format so they can be made easily available to the public. As the official keeper of records for the state, my office is going to play a larger role in housing these various electronic records.

We need to maintain public access to these electronic records. If we don't implement this bill passed two years ago, management of these records will most likely be handed over to a private entity. This privatization will result in the public needing to pay money to a third party to see these records. Therefore, we need to keep these records public and accessible. So I support this bill.

At this point I am happy to take any questions. Thank you